

**IN THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF NEW YORK**

DWIGHT ALEXANDER, ELDYS DIAZ, FABIAN
HERNANDEZ, CHRISTON JEAN, ZACHARIE
JEAN, BRUCE JONES, HARRY LEE, WILLIE
MCGEE, JORGE MIRANDA, YUSNIER
MONTEAGUDO, REYNALDO ORTIZ APONTE,
CORNELIUS PRESSLEY, AMIN SHEPPARD, and
RALF STEVENS, Individually

Plaintiffs,

v.

FLOWER CITY MONITORS, INC. and LENORA
PAIGE, Individually

Defendants.

CIV. NO. 12-cv-06198

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
ATTORNEYS' FEES**

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES

Pursuant to Local Rule of Civil Procedure 7(a)(1), plaintiffs requests the court award them reasonable attorneys' fees and costs in this matter. The basis of this request is 29 U.S.C. §216(b) and NYLL §198 which provides that plaintiffs who prevail under the Fair Labor Standards Act and New York Labor Law are entitled to attorneys' fees.

Plaintiffs' Motion for Partial Summary Judgment against Corporate Defendant Flower City Monitors, Inc. is currently pending before this Court, unopposed. Thus, in order to expedite this litigation and before Defense Counsel's Cross Motion to Withdraw from this matter is heard, the parties agreed that plaintiffs should file this Motion for Attorneys' Fees in conjunction with their pending Motion for Partial Summary Judgment.

The reasons and authorities in support of this Motion are more fully set forth in the accompanying Memorandum in Support of Plaintiffs' Motion for Attorneys' Fees and the Declaration of Plaintiffs' Counsel in Support of Plaintiffs' Motion for Attorneys' Fees, both filed this date.

Pursuant to Local Rule 7(b)(2)(b), if the court does not set responsive deadlines by order, Defendant Flower City Monitors, Inc. shall have 14 days after service of this motion, unless otherwise ordered by the court, to serve and file responding papers. Plaintiff intends to serve reply papers. Pursuant to Local Rule 7(b)(2)(b) plaintiff shall have seven days after service of defendant's responding papers, unless otherwise ordered by the court, to serve and file replay papers. Plaintiff requests oral argument on this Motion also at a time and date to be specified by the court.

Respectfully Submitted,

/s/ Reyna Ramolete Hayashi
Reyna Ramolete Hayashi
Empire Justice Center
1 West Main Street, Suite 200
Rochester, NY 14614
Phone: (585) 295-5825
Fax: (585) 454-2518
Email: rhayashi@empirejustice.org

/s/ Peter O'Brian Dellinger
Peter O'Brian Dellinger
Empire Justice Center
1 West Main Street, Suite 200
Rochester, NY 14614
Phone: (585) 454-4060
Fax: (585) 454-2518
Email: pdellinger@empirejustice.org

ATTORNEYS FOR THE PLAINTIFFS

Dated: Rochester, NY
April 25, 2014

CERTIFICATE OF SERVICE

I, Reyna Ramolete Hayashi, hereby certify that on April 25, 2014 I delivered a copy of PLAINTIFFS' MOTION FOR ATTORNEYS' FEES by the Federal Electronic Case Filing System to Kimberly A. Steele, The Steele Law Firm, P.C., Attorneys for Defendants.

/s/ Reyna Ramolete Hayashi
Reyna Ramolete Hayashi